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Gregory J. Koerner Redwood Patent Law 1291 East Hillsdale Boulevard Suite 205 Foster City, CA 94404			EXAMINER HOSSAIN, FARZANA E	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/899,598	Applicant(s) RAVERDY ET AL.	
	Examiner Farzana E. Hossain	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9-26-05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 10/12/2005. Claims 1-43 are pending. Claims 1, 10, 21, 31 are amended. Claims 2-9, 11-20, 22-30, 32-40 are original claims based on independent claims that are amended. Claims 41, 42, 43 are original independent claims. Claims 44 and 45 are new.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 21 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments with respect to claims 2, 3, 5-11, 13-20, 22, 23, 25-31, 33-41, and 43 have been considered but are moot in view of the grounds of rejection for respective base claims.

4. In response to the arguments regarding Claims 4 and 24 for the Official notice of a user device comprising a sound module for which a reference has been provided.

5. In response to the arguments regarding Claims 12 and 32 for the Official Notice of a threshold value for Video on Demand requests for which a reference has been provided.

6. In response to the arguments on page 15 regarding Claim 42 and how to interpret "means plus function language." First, the examiner notes that no specific mention of what applicant has disclosed differs from that of Bonomi. Moreover, applicants specification (page 9, lines 21-25) states that the LAN may preferably be at an event location, in which case it may not be located at an event location, which is precisely what Bonomi discloses. The specification (page 10, lines 7-10) states the user device may access the event server before or after attending an event location or subsequent to a particular event or live transmission; which is precisely what Bonomi discloses. Therefore, the claimed elements in Claim 42 are met as what is equivalent to what is disclosed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 41 - 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonomi et al (US 6,769,127 and hereafter referred to as "Bonomi").

Regarding Claims 41- 43, Bonomi discloses that a server distributes video services or event content to its subscribers or users (Column 6, lines 38-40) over a network or communications medium. Bonomi discloses that the media management unit manages video services include video-on-demand (VOD) or scheduled programs (live) or broadcast video (Column 6, lines 32-35). Bonomi also discloses that the server has a customer management module which includes the customer profile including passwords and PIN (Column 30, lines 49-52) which allows customers to access there services that would otherwise be restricted (Figures 12B, 12D). Bonomi discloses a terminal device or client machine or user device that connects to the server in order to receive video services over a wireless network or wireless communications procedure (Column 7, lines 10-17). Bonomi discloses that the subscriber or user makes selections according to the program guide in order to watch live (broadcast) or a stored program (VOD) on the client machine (Figure 5B). Regarding Claim 41, Bonomi discloses that the invention could also be embodies as a computer readable medium.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 11, 14, 21, 22, 31, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg (US 6,434,398).

Regarding Claims 1 and 21, Bonomi discloses a system for streaming event content or video services to a system user or subscriber (Column 6, lines 38-40) comprising: an event server or a media delivery center which includes a media management unit configured to manage the event content or video services (Figure 2, 204, Figure 5A, 500, Column 8, lines 35-44, Column 17, lines 1-55), the event server or a media delivery system which includes a customer management module providing a restricted access to the event content or a customer profile including passwords and PIN (Column 30, lines 49-52) which allows customers to access the services that would otherwise be restricted (Figures 12B, 12D) over a network or communications medium (Column 6, lines 41-67); the event content corresponding to a live event (Column 6, lines 32-35, Column 8, lines 40-42), the event content including broadcast video information transmitted on one or more broadcast channels or video on demand (VOD) information transmitting on one or more video on demand channels or media on demand or near VOD (Column 6, lines 32-35, Column 8, lines 40-42). Bonomi discloses a terminal device or client machine or user device configured to communicate or connect to the event server over a wireless network or by performing a wireless communications procedure (Column 7, lines 10-17), the user device receiving from the system user a choice for a selected program channel from one of the broadcast channels or VOD channels or the user makes selections according to the program guide in order to watch live (broadcast) or a stored program (VOD) on the user device

Art Unit: 2617

or client machine (Column 17, lines 56-67, Column 18, lines 1-18, Figure 5a, Figure 5B), and the user device responsively displaying the selected event content from the selected program channel to the system user (Figure 5B). Bonomi discloses that the terminal device can be a portable and mobile device including personal digital assistants (PDAs), handheld computers and portable computers (Column 7, lines 10-23, lines 63-67, Com 8, lines 1-4). It would be obvious that for the user to be located anywhere when receiving the event content whether at the store, home, or live event. However, Bonomi does not explicitly disclose that the user is located physically at the live event or that the live event occurs at a specific event location. Inselberg discloses a live event such as a sporting event (Figure 1); the user is physically present at the live event with a user device (Figure 1, 10) that can receive broadcast audio and video (Column 4, lines 33-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bonomi a live event such as a sporting event (Figure 1), the user is physically present at the live event with a user device (Figure 1, 10) that can receive broadcast audio and video (Column 4, lines 33-351) as taught by Inselberg in order to provide a interactive services to the subscribers (Column 1, lines 51-67) or to transmit the video to the user if they are in the restroom or at a concession stand in the sports arena (Column 1, lines 52-56) or have an obstructed view (Column 2, lines 4-7) as disclosed by Inselberg.

Regarding Claims 2 and 22, Bonomi and Inselberg disclose all the limitations of Claims 1 and 21 respectively. Bonomi discloses that the video services have restricted service packages depending on the customer account such as a family account (Figure

Art Unit: 2617

16B). Bonomi discloses that there are adult and minor subscribers and that the minor subscribers do not have access particular channels unlike the adults who can access the full services of the package (Figure 16B). Bonomi discloses that the user device can be a desktop computer, a laptop, a mobile device, a personal digital assistant (PDA), or a handheld computer (Column 7, lines 21-23, Column 8, lines 1-4).

Regarding Claims 11 and 31, Bonomi and Inselberg disclose all the limitations of Claims 1 and 21 respectively. Bonomi discloses that there is media on demand (MOD) or VOD programs transmitted with program guide information or metadata channel (Figure 15B).

Regarding Claims 14 and 34, Bonomi and Inselberg disclose all the limitations of Claims 1 and 21 respectively. Bonomi also discloses that there is a customer management module, which has subscribers or customers with their own profiles, which includes passwords or PINs (Figure 12D). Bonomi discloses the restricted access in an example of a family so that adults and children different accesses to the server. It is inherent that if the password and PINs are provided per customer that they are used to access the server. Bonomi discloses that the customer views the program guide information via different viewing modes including television, media on demand (MOD) or VOD, or guide for viewing program guide information or content downloaded to the terminal device (Figures 15B, 5B).

Regarding Claim 45, Bonomi and Inselberg disclose all the limitations of Claim 21. Bonomi is silent on the live event comprising a live sporting event. Inselberg

discloses that the live event comprises a live sporting event (Figure 2, Column 2, lines 18-27).

5. Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg as applied to claims 1 and 21 above, and further in view of Jaisingh et al (US 6,009,096 and hereafter referred to as "Jaisingh").

Regarding Claims 3 and 23, Bonomi and Inselberg disclose all the limitations of Claims 1 and 21 respectively. Bonomi discloses that that the terminal or user device communicates to the server over a direct path of the Internet network (Column 7, lines 10-15). However, Bonomi and Inselberg do not disclose that the user device communicates with the event server through one or more wireless base station transceivers and one or more local area networks. Jaisingh discloses that a base station, which is wireless and can be connected to the local network, which includes a broadcast television, and interactive video networks (Column 2, lines 45-57). Jaisingh discloses that the base station includes a transceiver (Column3, lines 46-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bonomi in view of Inselberg to include a communications path between a user device and the server via a wireless base station transceiver and a local area network (Figure 1) as taught by Jaisingh in order to provide a variety of services to the subscribers or to transmit subscriber specific services by allowing the network to be more flexible and efficient (Column 2, lines 11-21) as disclosed by Jaisingh.

6. Claims 4 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg as applied to claims 1 and 21 above, and further in view of Hendricks et al (US 5,990,927 and hereafter referred to as "Hendricks") and Sposato et al (US 5,682,511).

Regarding Claims 4 and 24, Bonomi and Inselberg discloses all the limitations of Claims 1 and 21 respectively. Bonomi discloses that the terminal device can be a laptop or portable computer (Column 7, lines 21-23, Column 8, lines 1-4). Bonomi discloses that the terminal device has a display screen for displaying programs or program guide (Figure 5B, Figure 15B). Bonomi only briefly discloses that there is a cache memory in the client machine (Column 19, line 5) for storing program guide information. Bonomi discloses that the terminal device can receive and transmit data to the server via a wireless network (Figure 1A, Column 7, lines 10-15). Therefore, it is inherent the terminal device has a wireless communications interface. Bonomi also discloses that the terminal device is coupled to the server via a network (Figure 1A, Column 7, lines 10-15). Therefore, it is inherent that the terminal device has a network interface. However, Bonomi and Inselberg do not disclose a sound module, processor, a memory and a removable memory. Hendricks discloses a sound module or audio equipment (Figure 4, 612, Figure 12B, Column 27, lines 51-65). Sposato discloses that the output device or user device can be a set top terminal (STT) or computer system (Column 13, lines 14-15). Sposato discloses that the STT or computer system includes a CPU with a microprocessor or a processor (Figure 2, 62), a memory or device

Art Unit: 2617

memory (Figure 2, 64), and a user interface, which can be a keyboard, a mouse, a game controller or a remote control (Column 13, lines 39-44, Figures 2, 3, 80).

Sposato also disclose that the there is a mass storage device such as CD-ROM or removable memory interface (Column 14, lines 45-46). Sposato discloses that the viewer or user selects the program channel (Figure 3, 136) via a user interface (Column 16, lines 58-67) whether it is a broadcast programs (Column 12, lines 18) or VOD (Column 11, lines 16-24). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg to include a sound module (Figure 4, 612, Figure 12B, Column 27, lines 51-65) as taught by Hendricks in order to deliver television programming to the consumer (Column 2, lines 44-53) as disclosed by Hendricks. Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg in order to provide information about the user device, which includes a processor (Figure 2, 62), a memory (Figure 2, 64), one or more user interfaces (Figure 2,3, 80) with a program selector (Figure 3, 136) and a removable memory interface (Column 14, lines 45-46) as taught by Sposato in order to provide a viewer interface with control that are optimized in both appearance and behavior for operation by viewers or users (Column 5, lines 40-45) as disclosed by Sposato.

7. Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg, Hendricks and Sposato as applied to claims 4 or 24 above, and further in view of Son et al (US 6,681,326 and hereafter referred to as "Son").

Regarding Claim 5 and 25, Bonomi in view of Sposato discloses all the limitations of Claims 4 or 24. Bonomi discloses that program guide information is transmitted by the server and received by the terminal device (Figure 5B); the program guide information is device content information and metadata relating to a particular program or the terminal device has a metadata module. Bonomi discloses that a main page or user data is downloaded to the terminal device (Figures 14B, 15A). Bonomi discloses that the subscribers have to login via a password (Figure 16B) in order to access the server for video services or an access rights module (Figure 16B) depending on the subscriber's specific service package or a VOD module for accessing the VOD information (Figure 16B). Bonomi discloses that the terminal device receives live transmissions or streaming programs (Figure 1A) for display or a video player. Sposato discloses that the memory (Figure 2, 64) includes application programs (Figure 2, 64) and an operating system (Figure 2, 66). Sposato discloses that the memory downloads program modules in order to update applications and the operating system or the memory includes a download module (Column 15, lines 1-15). Bonomi in view of Inselberg, Hendricks, and Sposato do not disclose an encryption module. Son discloses that the subscriber station or user device decrypts (Figure 6, 616 and Figure 7, 706) received programs prior to display (Figures 6, 7). It is inherent that the subscriber station has a memory with an encryption module as it performs the decryption process. Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg, Hendricks and Sposato to include an encryption module to

Art Unit: 2617

perform decryption (Figure 6,616 or Figure 7, 706) as taught by Son in order to provide security measures for the video content (Column 1, lines 17-30) as disclosed by Son.

8. Claims 6, 8, 9, 26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg as applied to claims 1 and 21 above, and further in view of Tillman et al (US 6,496,980 and hereafter referred to as "Tillman").

Regarding Claims 6 and 26, Bonomi and Inselberg discloses all the limitations of Claims 1 and 21 respectively. Bonomi discloses that server has a GUI or display, which displays the information to the administrator (Figure 8A). Bonomi discloses that the server has a memory (Figure 2A, 206). Bonomi discloses that the server can transmit and receive data to the terminal device via a wireless network (Figure 1A, Column 7, lines 10-15). Therefore, it is inherent the terminal device has an input/output interface, which is a wireless communications interface. Bonomi also discloses that the terminal device is coupled to the server via a network (Figure 1A, Column 7, lines 10-15).

Therefore, it is inherent that the terminal device has an input/output interface, which is a network interface. Bonomi discloses that the server receives broadcast television information or a broadcast channel interface a media provider or a VOD channel interface (Column 8, lines 20-26). Bonomi and Inselberg do not disclose a processor.

Tillman discloses that the server system or event server has a processor (Figure 7).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg to include a processor (Column 11, lines 61-67, Figure 7)

as taught by Tillman in order to configure the system with storage mediums (Column 11, lines 47-60) as disclosed by Tillman.

Regarding Claims 8 and 28, Bonomi and Inselberg disclose all the limitations of Claims 1 and 21 respectively. Bonomi discloses that video services or programs are received from media sources including the Internet television broadcast, media provider, and a satellite dish (Figure 2A). Bonomi and Inselberg do not disclose that the program received by the event server is from a video camera. Tillman discloses that the programs received can be live and received from a video camera (Figure 1, Column 4, lines 28-30). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg to include that a live transmission is received from a video camera (Figure 1, Column 4, lines 28-30) as taught by Tillman in order to play live transmissions and provide instant replay without issue to bandwidth allocation (Column 3, lines 29-32) as disclosed by Tillman.

Regarding Claims 9 and 29, Bonomi and Inselberg disclose all the limitations of Claims 1 and 21 respectively. Bonomi discloses that there are live transmissions (Column 8, lines 40-41), but not that they are real time. Tillman discloses that real-time digital video streaming is provided by multiple sources (Figure 1) including a video camera (Column 4, lines 28-30) or a video service provider. Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg to include that live transmissions are received in real-time by a video service provider or a video camera (Figure 1, Column 4, lines 28-30) as taught by Tillman in order to play live

Art Unit: 2617

transmissions and provide instant replay without issue to bandwidth allocation (Column 3, lines 29-32) as disclosed by Tillman.

9. Claims 7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg and Tillman as applied to claims 6 or 26 above, and further in view of Sposato and Son.

Regarding Claim 7 and 27, Bonomi in view of Inselberg and Tillman disclose all the limitations of Claims 6 and 26. Bonomi discloses that the memory stores information and video from television broadcast at the media storage (Figure 2A, 206). Bonomi discloses a login/administration control interface which allows the system administrator or operator to manage customer information including providing the user with access levels, passwords, correct service packages (Figures 16A, 16B). Bonomi discloses that the service packages restrict access to certain channels for subscriber or for secondary account holders (such as minors) (Figure 16B) or an access rights manager. Bonomi discloses that there is a stored assets manager or storage manager (Figure 5A, 504), a received content storage module or VOD manager (Figure 5A, 512) a channel management module or channel manager (Figure 5A, 506). Bonomi discloses a program guide management module that allows the media management unit to manage the program guide information that will be provided to the subscribers or a metadata manager (Column 18, lines 6-19). Tillman discloses that the server system has an operating system (Column 12, lines 5-9). Bonomi, Inselberg and Tillman do not disclose application software, an operating system, an upload module or a network

manager. Sposato discloses that the headend system disclosed application program software (Column 11, lines 2-6). Sposato discloses that the headend system or server to update the application software at the terminal device (Column 15, lines 1-5).

Therefore, it is inherent that the headend system or server has an upload module.

Sposato discloses an interactive network, which transmits programming (Figure 1) more efficiently and allows for the sufficient bandwidth (Column 2, lines 14-20). Bonomi in view of Inselberg and Tillman do not disclose an encryption manager. Son discloses that the programs are re-encrypted at the server (Figure 7, 704). Therefore, it is inherent that the memory has an encryption manager. Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg and Tillman to include application software (Column 11, lines 2-6) and upload module (Column 15, lines 1-5) as taught by Sposato in order to provide interactive television services to the viewer (Column 2, lines 48-53) as disclosed by Sposato. Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg and Tillman to include an encryption manager to perform re-encryption (Figure 7, 704) as taught by Son in order to provide security measures for the video content (Column 1, lines 17-30) as disclosed by Son.

10. Claims 10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg as applied to claims 1 and 21 above, and further in view of Peterson et al (US 2001/0003828 and hereafter referred to as "Peterson"), Matthews, III (US 6,600,368 and hereafter referred to as "Matthews").

Regarding Claims 10 and 30, Bonomi and Inselberg disclose all the limitations of Claims 1 and 21 respectively. Bonomi discloses that there is a live transmission that is currently being broadcasted or streaming video that is stored in the cache of the server in order to facilitate replay or instant replay on an instant replay channel (Column 9, lines 41-57). Inselberg discloses a play-by-play or live commentary or event commentary channel (Column 2, lines 27-29). Bonomi and Inselberg are silent on an event highlights channel, one or more alternate camera-angle channels, and a frequently requested information channel. Peterson discloses that the user can choose a sub channel or channel including one that contains events highlights such as ESPN highlights (Page 7, paragraph 0104). Peterson also discloses that a frequently requested information channel or a user requesting information about a particular event such as a basketball game (Page 3, paragraph 0029, Page 7, paragraph 0102). Matthews discloses one or more broadcast channels includes one or more alternate camera-angle channels (Column 5, lines 49-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bonomi in view of Inselberg to have an event highlights channel (Page 7, paragraph 0104) and a frequently requested information channel (Page 3, paragraph 0029, Page 7, paragraph 0102) as taught by Peterson in order to provide customized channels to the user (Page 3, paragraph 0029) as disclosed by Peterson. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bonomi in view of Inselberg to have one or more alternate camera angle channels (Figure 5) as taught by Matthews in order to provide a choice to the viewer to control/manipulate the

viewing of a particular event such as a close up view (Column 1, lines 45-55) as disclosed by Matthews.

11. Claims 12 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg as applied to claims 1 and 21 above, and further in view of Rodriguez et al (US 2005/0071882 and hereafter referred to as "Rodriguez") and Arsenault et al (US 2004/0148634 and hereafter referred to as "Arsenault").

Regarding Claims 12 and 32, Bonomi and Inselberg discloses all the limitations of Claims 1 and 21 respectively. Bonomi discloses that the server can add an NVOD channel (Column 28, lines 23-25). Bonomi discloses that the new channel is placed on the program guide area once it is created (Column 29, lines 2-10) or notifying the terminal device that the channel is available. Bonomi and Inselberg do not disclose that the server adds or creates a new channel when VOD requests for a VOD channel exceeds a predetermined threshold value. Rodriguez discloses that the server with a bandwidth allocation manager by dynamically adjusting bandwidth allocation (Pages 8-9, paragraph 0060) when the number of VOD requests exceed a maximum or predetermined threshold value (Page 6, paragraph 0043) and that a number of auxiliary channels may be determined by the bandwidth allocation manager (Page 12, paragraph 0084). Arsenault discloses that the video distribution system or event server can provide additional channels (Page 3, paragraph 0035). Arsenault discloses that for a great number of VOD requests, there is a consumption of available bandwidths causing latency issues (Page 1, paragraphs 0005-0007). Therefore, it would have been obvious

to one of ordinary skill in the art to modify Bonomi in view of Inselberg to have a threshold value for the number of VOD requests (Page 6, paragraph 0043) as taught by Rodriguez in order to provide video on demand to subscribers with an efficient use of bandwidth (Page 1, paragraph 0002, Page 2, paragraph 0013, Page 7, paragraph 0048) as disclosed by Rodriguez. Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg to add a new broadcast channel for VOD requests (Page 3, paragraph 0035) as taught by Arsenault in order to provide greater bandwidth (Page 1, paragraph 0005) as disclosed by Arsenault.

12. Claims 13, 15, 17, 18, 33, 35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg as applied to claims 1 and 21 above, and further in view of Sposato et al (US 5,682,511).

Regarding Claims 13 and 33, Bonomi and Inselberg disclose all the limitations of Claims 1 and 21 respectively. Bonomi discloses that the terminal device communicates with a network via Internet in a wired or wireless network (Column 7, lines 10-15). However, Bonomi and Inselberg do not disclose any information about the user interface. Sposato discloses that the user interface, which includes a keyboard, game controller, mouse and/or a remote control (Column 13, lines 39-44) is used to communicate to the headend system server to select a program channel (Figure 3, 136) whether it is broadcast (Column 12, lines 8-18) or VOD (Column 11, lines 15-25). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi to include a user device (Column 15, lines 16-25, Figure 3) to select a program

Art Unit: 2617

channel (Figure 3, 136) whether it is broadcasted or VOD (Column 11, lines 15-25, Column 12, lines 8-18) as taught by Sposato in order to provide interactive television services to the viewer (Column 2, lines 48-53) as disclosed by Sposato.

Regarding Claims 15 and 35, Bonomi and Inselberg disclose all the limitations of Claims 14 and 34 respectively. Bonomi discloses that the user can select the broadcast viewing mode (Figure 15B). Bonomi and Inselberg do not disclose the user interface. Sposato discloses the user interface (Figure 3, Column 13, lines 39-44) to select the program channel (Figure 3, 136). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg to include a user device (Column 13, lines 39-44, Figure 3) to select a program channel (Figure 3, 136), which is a broadcast channel (Column 12, lines 8-18) as taught by Sposato in order to provide interactive television services to the viewer (Column 2, lines 48-53) as disclosed by Sposato.

Regarding Claims 17 and 37, Bonomi and Inselberg disclose all the limitations of Claims 14 and 34 respectively. Bonomi discloses that the subscriber or customer can choose a MOD or VOD viewing mode (Figure 15F). Sposato discloses using the user interface (Figure 3, Column 13, lines 39-44) to access the electronic program guide (Column 16, lines 65-67) to choose the specific channel including on demand service (Column 16, lines 58-67) and by tuning to the specific channel the user communicates with the headend system or server (Column 17-line 1-24) or viewing the specific information on the user device on a VOD channel. Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg to

Art Unit: 2617

include a user device (Column 13, lines 39-44, Figure 3) to select a program channel (Figure 3, 136) by making a request for VOD or an on-demand service (Column 16, 58-67) as taught by Sposato in order to provide interactive television services to the viewer (Column 2, lines 48-53) as disclosed by Sposato.

Regarding Claims 18 and 38, Bonomi, Inselberg, and Sposato disclose all the limitations of Claims 17 and 37 respectively. Bonomi discloses that the terminal device stores specific information including program guide information in the cache memory of the terminal device in order to view the program guide (Column 19, lines 5-8, Figure 5B).

13. Claims 16 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg and Sposato as applied to claims 15 and 35 above, and further in view of Son.

Regarding Claims 16 and 36, Bonomi, Inselberg, Sposato disclose all the limitations of Claims 15 and 35 respectively. Bonomi discloses that the terminal device uses the program guide (Figure 5B, Figure 15B) to choose a program channel. Bonomi in view of Inselberg and Sposato do not disclose a decryption procedure to decode the program. Son discloses that the subscriber station or user device decrypts (Figure 6, 616 and Figure 7, 706) received programs prior to display (Figures 6, 7). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg and Sposato to perform a decryption procedure at the subscriber station or

Art Unit: 2617

user device (Figure 6,616 or Figure 7, 706) as taught by Son in order to provide security measures for the video content (Column 1, lines 17-30) as disclosed by Son.

14. Claims 19 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg and Sposato as applied to claim 17 above, and further in view of Son.

Regarding Claims 19 and 39, Bonomi, Inselberg, Sposato disclose all the limitations of Claims 15 and 35 respectively. Bonomi in view of Inselberg and Sposato do not disclose or teach about the decryption procedure. Son discloses that the subscriber station or terminal device performs a decryption procedure (Figure 7, 706) for the VOD program and displays it (Figure 7, 618). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg and Sposato to perform a decryption procedure at the subscriber station or user device (Figure 7, 706) in order to display the program (Figure 7, 618) as taught by Son in order to provide security measures for the video content (Column 1, lines 17-30) as disclosed by Son.

15. Claims 20 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg and Sposato as applied to claim 14 above, and further in view of Towell et al (US 6,647,411 and hereafter referred to as "Towell").

Regarding Claims 20 and 40, Bonomi, Inselberg, Sposato disclose all the limitations of Claims 14 and 34 respectively. Bonomi in view of Inselberg and Sposato

Art Unit: 2617

do not disclose or teach about the decryption procedure. Towell discloses that the caching device (Figure 5A, 110) or user device stores the data including video and audio content in the content cache (Figure 5A, 505) and then when then prior to viewing the data is decoded (Figure 5A) or user accesses local content and performs a decryption procedure to decode local content and displays the content. Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg and Sposato to decode local content prior to viewing at the user device (Figure 5A) as taught by Towell in order to a secure cached subscription system (Column 1, lines 66-67) as disclosed by Towell.

16. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi in view of Inselberg as applied to claim 21 above, and further in view of Ellis et al (US 6,774,926 and hereafter referred to "Ellis").

Regarding Claim 44, Bonomi and Inselberg disclose all the limitations of Claim 21. Bonomi discloses that the user device can be a portable device including a PDA. Bonomi and Inselberg are silent on the user device comprising a portable cellular telephone device. Ellis discloses that user device comprises a portable cellular telephone device (Figures 1 and 5, 42). Therefore, it would have been obvious to one of ordinary skill in the art to modify Bonomi in view of Inselberg to user device comprises a portable cellular telephone device (Figures 1 and 5, 42) as taught by Ellis in order to create content for a television program or channel from any location using different devices (Figure 1, Column 3, lines 19-20, Summary) as disclosed by Ellis.

Art Unit: 2617

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone

Art Unit: 2617

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
November 10, 2005


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